

My name is Sandra Joseph and I represent the Nooksack Tribe. Thank you for allowing me to speak on this issue that will greatly impact my Tribe.

IGRA did not confer the right for gaming to the Tribes: it limited our rights. IGRA reserved Class II gaming to the Tribes, free from interference by state governments. The spirit of IGRA and Class II was to give the tribes a product that would ultimately compete with Class III machines. It also allowed tribes to have a bargaining chip in Class III negotiations. Class II machines have helped the tribes make a profit in gaming. Your regulations take all of this away. How can your regulations take away what Congress has given the tribes? These regulations do not seek to regulate, they seek to eliminate Class II gaming from the tribes. How can you regulate a thing out of existence? How can you, in good conscience, do this?

These regulations seek to change court decisions won by the tribes on Class II machines. Only Congress can modify non-constitutional court decisions. What the Department of Justice could not obtain in the courts or the halls of Congress they seek to do so through you. I understood that the NIGC was an independent, Federal agency. Why is your agency carrying firewood for the DOJ?

This so-called consultation process is just a blip in your agenda to get these regulations passed by the end of the year. A public hearing is necessary to allow adequate input

from the tribes on these regulations. Why the rush to pass these so quickly? Especially in light of the economic damage this will do to the tribes, including the Nooksack Tribe. This is not a consultation; this is just a collection of comments by individual tribes.

The NIGC selected a seven-member tribal advisory committee to assist with the development of its Class II regulations. Despite frequent and unanimous objections by the advisory committee to the decisions made by the NIGC in developing the regulations, the NIGC rejected every significant objection made by the advisory committee. Contrary to the concept of an “advisory” committee, almost all drafting of the regulations was done by the NIGC behind closed doors without any involvement by the members of the advisory committee. The NIGC also refused to follow any of the major recommendations made by the advisory committee, tribes and tribal organizations in response to the various drafts of the regulations circulated by the NIGC.

IGRA gave the tribal gaming agencies the primary role of regulating Class II machines. The Nooksack Tribe has a so-called Certificate of Self Regulation from the NIGC. The proposed regulations would put tribal gaming commissions entirely on the sidelines, with all important decisions on Class II games left to the NIGC. These regulations ignore tribal sovereignty altogether.

No serious effort has been made to determine what the tribal regulatory impact would be and how much it may

cost tribes in terms of lost employment, tribal regulatory costs, etc. The Nooksack Tribe stands to lose millions of dollars due to these regulations.

Lack of regulatory impact is flagrant violation of Unfunded Mandates Reform Act, Regulatory Flexibility Act, Small Business Regulatory Enforcement Fairness Act.

Your agency seeks to ruin Class II gaming for the Tribes. All of these regulations should be run through a shredder. If you proceed with these regulations, the Nooksack Tribe demands the following changes be made:

- Remove the prohibition of Auto Daub.
- Remove the 10 second delay in play.
- Remove the display restriction; two screen, multiple card display requirements, etc.
- Remove all provisions under which the NIGC attempts to assert jurisdiction over private, 3rd party gaming laboratories.

Additionally:

Alternative classification and technical standards offered by tribes must be considered and followed with a report that explains why or why not the NIGC has not incorporated a submitted alternative.

The Government-to-Government Executive Order, the Administrative Procedure Act and stated NIGC policy require consultation including consideration of suggested regulatory alternatives.

The effective date/compliance deadlines are inadequate to allow tribes and manufacturers to design, certify and implement games which are compliant. The NIGC must Strike Section 546.10(e)(3).

The NIGC must hold public hearings on the proposed classification and forthcoming technical standards.

Insert a tiered implementation of regulations allowing for orderly transition/change out of equipment.

The proposed classification regulations and technical standards must be published in the Federal Register together, at least once more to ensure adequate review and comment period.

The discretionary 60 day objection period by NIGC must be made mandatory. Please, do not destroy what the Tribes have worked towards since the passage of IGRA.

Work with the Tribes to create acceptable regulations. With Federal funds diminishing every year, think of the tribal people who will be harmed. We are fighting for our legal rights, our sovereignty, and our people.

The Nooksack Indian tribe has made the decisions to build

a Class II Casino. This decision is based on the success we have seen from the Class II product for the past two years in our existing property. The changes that you are proposing at this time would render the product to a point of not being able to compete with the Class III machines in Washington State. We are at the point of no return in the development and significant investment of our new Northwood Crossings Casino. The proposed rule changes would be disastrous to our Tribe and community. Our new Class II Casino will provide the Nooksack Indian Tribe an additional revenue base to provide for our Elders, children and all other tribal members.

We will continue building our new Casino.

We will continue to provide for our community.

Please be especially considerate to our Tribes Situation when making these decisions.

Sincerely, on the behalf of the Nooksack Indian Tribe,

Sandra Joseph
Nooksack Tribal Council
Nooksack Indian Tribe
5016 Deming Rd.
PO Box 157
Deming Washington
98244

OPINION

The Bellingham Herald July 3rd, 2005

OUR VIEW

Casinos bring business, cash to Whatcom Count

A recent economic study showed what we hope that Whatcom county residents already realize: tribal casinos and their spin-off businesses are important to the local economy.

The study showed Indian gaming in Washington generated \$988 million in revenue in 2004, the sixth-highest amount of any state in the nation.

The study did not have any county or tribe-specific revenue figures, and local casinos would not release the information, but the recent growth at the Lummi Nation's Silver Reef Casino has led officials there to break ground on the construction of a six-story hotel, spa and restaurant along with an expansion of the casino.

The Nooksack Tribe is still working on plans to replace the Nooksack River Casino with a new casino, hotel and RV park across the Mount Baker Highway from the current location.

These projects are important economic investments in our county.

The Silver Reef Casino employs 350 people today, and that number is expected to jump to about 425 once the hotel opens. The hotel and expansion project is worth some \$24 million in construction and other work.

The Nooksack River Casino currently employs nearly 300 people. The nearby

Skagit Casino, just over the county line in Bow, employs more than 300 more, some of whom are Whatcom County residents.

Tribal members and nontribal members work in these jobs. According to Jim Vleming, the state labor economist who studies Whatcom County, less than 50 percent of casino workers across the state are tribal members.

Vleming said many of the jobs at the casinos pay better than average wages for our area, especially when you count tips. Both the Lummi and Nooksack casinos are among the top 25 employers in the county.

The casinos also draw Canadians across the border to spend money and help generate trade for many other businesses.

Also as part of agreements with the state, tribes pay a portion of their revenues to charity, government services and to community impact fees.

In Washington, area tribes contributed \$9.9 million to state and local government, the study found.

Too often people tend to think of Indian gaming as only a tribal issue. But the success of Whatcom County's tribal casinos is a benefit to all of us.

OPINION

The Bellingham Herald May 21st, 2006

OUR VIEW

Tribal investments boost local economy

Whatcom County's two American Indian tribes are poised to have even more positive impact on the economy.

In the last week, both the Lummi Nation and the Nooksack Indian Tribe have announced they are considering major new projects that could help the tribes financially, and help the county overall.

The Nooksacks announced Wednesday they are planning to build a second casino. The tribe already has the Nooksack River Casino in Deming. But officials want to take advantage of the proximity to Canada by building a second casino on tribal property north of Lynden.

The proposed Northwood's Crossing Casino would be built at the northeast corner of Northwood and Halverstick Roads. The area is rural in nature, seemingly remote, until you consider is within close driving distance of both the Sumas and Lynden Border crossings. The \$14 million, 25,800 square-foot casino would likely draw as many Canadians as northern county residents at that location.

Tribal officials say the casino would have 500 video slot machines, a 30-seat poker room, two restaurants and a gift shop. They hope to break ground late next month.

Officials also say the casino would create 250 jobs. The profits they make there would be used mostly to help with a bigger construction project in Deming. The tribe wants to build a new, bigger Nooksack River Casino, with a hotel and resort on 40-acres near where the current Nooksack River Casino sits on the Mount Baker Highway. Officials say that project could not only appeal to gamblers but also serve as a hotel and resort for skiers traveling up the highway

to the Mt. Baker Ski Area.

Meanwhile, Lummi Nation officials announced earlier in the week that they are beginning studies on a proposed new marina at Gooseberry point, on the Lummi Peninsula.

Lummi officials say they hope that a marina would serve the dual purpose of creating moorage space for recreational boaters while providing a home to the remnants of the tribal commercial fishing fleet. That fishing fleet has decreased in recent years as salmon have become more scarce and restrictions on fishing times have tightened.

A study of the marina idea will reveal both whether it is feasible and how much of an economic impact it might have for the tribe and for the county as a whole. If it is ever built, a Lummi marina could be a huge investment and an economic shot in the arm to the reservation and the Gooseberry Point area.

Gooseberry point was once home to the Lummi casino. But that casino closed in the 1990's. The Lummis now operate the Silver Reef Casino closer to Interstate 5, at the intersection of Slater Road and Haxton Way.

A new hotel and spa are under construction at the Silver Reef and are expected to open this summer.

Tribal governments are small when compared to bigger counties cities such as Bellingham. But the economic impact of their investments, such as the casinos and the Northwest Indian College at Lummi has a much larger effect on the county -- drawing people from outside to spend money here.

We hope all of the tribal enterprises are successful. A healthy economy for the tribe is good not only for tribal members, but for everyone in Whatcom County.



Tel: 360.383.2111
Fax: 360.383.2111
PO Box 95 • 4956 Deming
Deming, WA 98244-0095
www.mtbaker.wednet.edu

Board of Directors
Ellen Dodson, President
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David Smith

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Laura Gerhardt

Transportation &
Facilities
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Frank Cain
360.383.2060

Nooksack Tribal Council
P.O. Box 157
Deming, WA 98244

June 20, 2006

Dear Tribal Council;

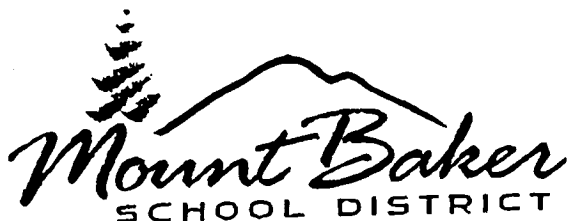
On behalf of the Mount Baker School Board and the entire Mount Baker Community I want to express our deepest appreciation for the recent donation that you made to the Mount Baker School District. The donation is significant not only in that the money will be used to enhance our support for Native American students, but also because it represents the wonderful relationship that Mount Baker School District has with the Nooksack Tribe and the Nooksack River Casino.

Mount Baker School District places great value on the relationship that we have with the Nooksack Tribe. Mount Baker School District has always found communication with the Tribal Council to be excellent; we have always been able to work together in a creative and productive manner. Similarly, we have found the Nooksack River Casino management to be excellent to work with and have had opportunities to partner on several projects.

Thank you again and best wishes for continued success in all of your endeavors. We are honored to be your neighbors and greatly appreciate your continued interest in our schools' efforts.

Sincerely,

Dr. Richard Gantman
Superintendent



Tel: 360.383.200
 Fax: 360.383.200
 PO Box 95 • 4956 Deming Rd.
 Deming, WA 98244-009
 www.mtbaker.wednet.ed

Board of Directors

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 David Smith

April 3, 2002

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 Dr. Garry Wall
 Special Programs Director
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 Curriculum Director
 Trina Hall
 360.383.2013

Rick George
 Nooksack Tribal Council
 P.O. Box 157
 Deming, WA 98244

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 Mount Baker High School
 360.383.2015
 Principal
 Steve Kling
 Assistant Principal
 Laura Gerhardt

Dear Rick:

I want to express my deep appreciation for the work that you and the Council do in the effort to improve our community. I look forward to many years of the Nooksack Tribe and the Mount Baker School District working together to serve the wonderful people in our community and to make this beautiful place an even better community to live in.

I am excited to get to know the new Council members and to continue working with the Council in the ongoing development of the relationship between the Nooksack Tribe and the Mount Baker School District.

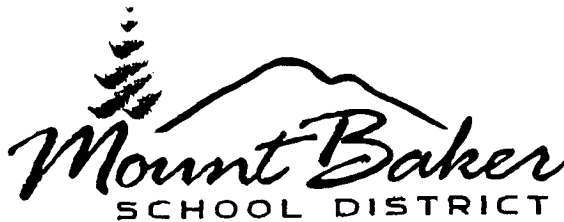
Thank you again for all of the work that you do. Please let me know if I can be of any assistance in your efforts.

Respectfully,

Richard Gantman Ed.D.
 Superintendent

Transportation &**Facilities**

Supervisor
 Frank Cain
 360.383.2060



Tel: 360.383.20
 Fax: 360.383.20
 PO Box 95 • 4956 Deming
 Deming, WA 98244-00
 www.mtbaker.wednet.e

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Ellen Dodson, President
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District Administration

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Facilities
 Supervisor
 Frank Cain
 360.383.2060

April 15, 2005

Tim Chappelle
 Administration for Children & Families
 Office of Grants Management
 Division of Discretionary Grants
 370 L'Enfant Promenade, SW
 Washington D.C. 20447

Re: *Sphere of Caring* Program

Dear Mr. Chappelle:

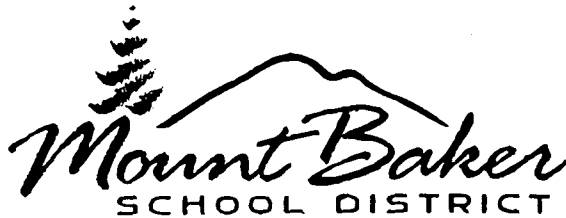
Many of the Nooksack Tribe children attend our schools and we have thus worked closely with the Tribe for many years. Furthermore, our school district and the Tribe are committed to an ongoing partnership to improve our children's lives and our community.

The Mount Baker School District is in strong support of the Tribe's application to ANA for social development funding to implement the *Sphere of Caring*, a child/family centered support program. While the Tribe has developed excellent services over the years, limited access to a full range of services most needed by the children has been a serious problem. Likewise, the need for greater cultural identity among the children is essential to their personal development. We believe that the *Sphere* will help resolve these problems and that a greater number of children will achieve academic success, competitive job skills, and economic security as a result of the implementation of this program.

We strongly support the program and look forward to continued work with the Tribe to assure the future of our students and their children. Please contact my office if I can be of any assistance.

Sincerely,

Richard Gantman, Ed.D.
 Superintendent



Tel: 360.383.2000
 Fax: 360.383.2009
 PO Box 95 • 4956 Deming Rd.
 Deming, WA 98244-0095
 www.mtbaker.wednet.edu

Board of Directors

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360.383.2030

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Steve King

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Laura Gerhardt

Transportation &**Facilities**

Supervisor

Frank Cain

360.383.2060

April 25, 2005

Institute of Museum and Library Services
 1100 Pennsylvania Ave, NW
 Washington D.C. 20506

Re: *Nooksack Tribal Library*

Dear Institute of Museum and Library Services:

I am pleased to write this letter of support for the Nooksack Tribe's grant proposal for the enhancement of their Tribal Library. The Nooksack Tribe and Mount Baker School District have an excellent relationship and collaborate in a number of ways to support our students and improve our community.

The recent development of the Nooksack Tribal Library has been an excellent addition to our rural community. Not only has the library provided myriad opportunities to Nooksack Tribal children, it has also given all students in our district additional opportunities for research and inquiry. Our school district covers over five-hundred square miles and yet there are no incorporated towns within our boundaries; access to resources such as the library are very limited. The enhancement of Tribal Library will be a great benefit to the Tribe, the School District, and the community.

It is a great privilege to live and work in a community with the Nooksack Tribe. I find it very rewarding to interact with the rich culture and wonderful people of the Tribe. The enhancement of the Tribal Library will be of great benefit to our rural community. I strongly support the Tribe's project and am hopeful that it will receive full funding.

Sincerely,

Richard Gantman, Ed.D.
 Superintendent



Tel: 360.383.2000
 Fax: 360.383.2009
 PO Box 95 • 4956 Deming Rd.
 Deming, WA 98244-0095
 www.mtbaker.wednet.edu

Board of Directors

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Co-Principal

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Junior High School
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 Charles Burleigh

Mount Baker High School

360.383.2015

Principal

Sue King

Assistant Principal

Laura Gerhardt

Transportation &**Facilities****Supervisor**

Frank Cain
 360.383.2060

April 28, 2006

Institute of Museum and Library Services
 1100 Pennsylvania Ave, NW
 Washington D.C. 20506

Re: *Nooksack Tribal Library*

Dear Institute of Museum and Library Services:

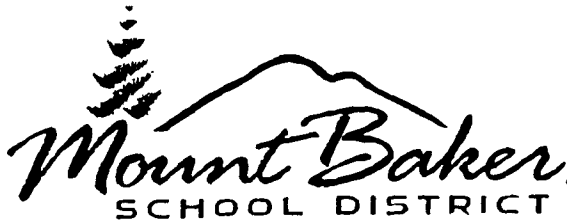
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Sincerely,

Richard Gantman, Ed.D.
 Superintendent



Tel: 360.383.2000
 Fax: 360.383.2009
 PO Box 95 • 4956 Deming Rd.
 Deming, WA 98244-0095
 www.mtbaker.wednet.edu

Board of Directors

Ellen Dodson, President
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Assistant Superintendent

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Special Programs Director

Patricia Blicher

360.383.2612

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Trina Hall

360.383.2013

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Acme

360.383.2045

Ellen Erickson

Harmony

360.383.2050

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360.383.2055

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Mount Baker High School

360.383.2015

Principal

Steve King

Assistant Principal

Laura Gerhardt

Transportation &

Facilities

Supervisor

Frank Cain

360.383.2060

May 10, 2005

Office of Museum Services
 Institute of Museum and Library Services
 110 Pennsylvania Ave, NW Suite 609
 Washington, D.C. 20506

Re: Native American/Native Hawaiian Museum Services Grant

Dear Office of Museum Services:

I am pleased to write this letter of support for the Nooksack Tribe's grant proposal for the enhancement of their *Nooksack Tribal Cultural Heritage Center*. The Nooksack Tribe and Mount Baker School District have an excellent relationship and collaborate in a number of ways to support our students and improve our community

The development of the *Nooksack Tribal Cultural Heritage Center* has been an excellent addition to our rural community. Not only has the Center provided myriad opportunities to Nooksack Tribal children, it has also given our community a deeper understanding of its rich and unique history. The continued development of the *Nooksack Tribal Cultural Heritage Center* has helped us to develop a sense of place; there are no incorporated towns in the 500 square miles that our school district serves and the Tribe's efforts and activities are core to who we are as a community. The continued development of the *Nooksack Tribal Cultural Heritage Center* is of great importance to us.

It is a great privilege to live and work in a community with the Nooksack Tribe. I find it very rewarding to interact with the rich culture and wonderful people of the Tribe. I strongly support the Tribe's project and am hopeful that it will receive full funding.

Sincerely,

Richard Gantman, Ed.D.
 Superintendent



Tel: 360.383.2000
 Fax: 360.383.2009
 PO Box 95 • 4956 Deming Rd.
 Deming, WA 98244-0095
 www.mtbaker.wednet.edu

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360.383.2060

May 12, 2004

Patrick Check
 Tribal Administrator
 Nooksack Indian Tribe

Deming, WA 98255

Dear Patrick,

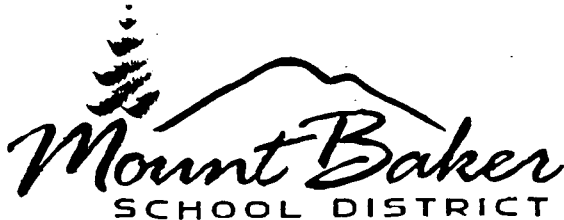
Thank you for the great news that the Tribal Council is interested in making a donation to the Mount Baker School District. As you can imagine, in these times of increasing student needs, higher community expectations, and more limited resources, the news of a contribution to our schools is very exciting!

Mount Baker School District's highest educational priority is to improve the literacy of every student in our schools. It is a well-known fact that literacy is the key to academic and career success. Furthermore, research has shown that the most effective approach to helping underachieving students is to help teachers learn different teaching methods. Therefore, the funds donated by the Tribe will assist us with our staff development program to assist teachers in their efforts to help struggling readers.

Once again, I want to thank you and the Tribal Council for your generosity. Mount Baker School District is very fortunate to have such an excellent relationship with the Nooksack Tribe. I look forward to continuing our collaborative efforts to enhance the education of all children.

Sincerely,

Dr. Richard Gantman
 Superintendent



Tel: 360.383.2000
 Fax: 360.383.2009
 PO Box 95 • 4956 Deming Rd.
 Deming, WA 98244-0095
 www.mtbaker.wednet.edu

Board of Directors

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 Laura Gerhardt

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Facilities
 Supervisor
 Frank Cain
 360.383.2060

Washington State Arts Commission
 Arts Participation Initiative Grant
 711 Capital Way S. Suite 600
 PO Box 42675
 Olympia WA 98504-2675

July 20, 2005

RE: Nooksack Tribe Grant Application

Dear Washington State Arts Commission:

It gives me great pleasure to write this letter of support for the Nooksack Indian Tribe's Arts Participation Initiative proposal. Many of the Tribe's children attend Mount Baker School District schools; the Tribe and the District have a wonderful relationship and a long history of working together. Most recently we have been working with the Cultural Heritage Center.

The Cultural Heritage Center has been doing outstanding work in helping Nooksack youth develop a strong identity with their ancestry and the Tribe. One specific program is designed to focus on high school students who have experienced academic and/or behavior difficulties. The Tribal Education Department, Tribal Library, the Native American Language program, and the Cultural Heritage Center have worked together to develop a Cultural Arts course that will be of great value to these students.

Mount Baker School District supports the further development of the Cultural Arts course. The course has great potential to help our students develop their identity and self confidence. I have high hopes of this proactive approach being of great benefit to our students.

In summary, the Mount Baker School District strongly supports the Nooksack Indian Tribe's Arts Participation Initiative proposal. The expansion of the Cultural Heritage Center's work will benefit Mount Baker students and will also enrich our community.

Please contact me if I can be of any additional support to the Nooksack Indian Tribe's efforts.

Respectfully,

Richard Gantman, Ed.D.
 Superintendent



Tel: 360.383.2000
 Fax: 360.383.2000
 PO Box 95 • 4956 Deming Rd.
 Deming, WA 98244-0095
 www.mtbaker.wednet.edu

Board of Directors

John Dodson, President
 Kim Freeman
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 James Fry
 Kendall
 360.383.2055
 Co-Principal
 David Boeringa
 Co-Principal
 Dr. Heidi Weiser-Peatow
 Mount Baker
 Junior High School
 360.383.2030
 Charles Burleigh

Mount Baker High School

360.383.2015
 Principal
 Steve King
 Assistant Principal
 Laura Gerhardt

Transportation &

Facilities
 Supervisor
 Frank Cain
 360.383.2060

September 10, 2001

Judy Joseph
 Puget Sound Agency
 Bureau of Indian Affairs
 2707 Colby Ave #1101
 Everett, WA 98201

Dear Ms. Joseph:

I am writing this letter to express my strong support for the Nooksack Tribe's economic development project. The project will bring much needed commercial, community and cultural activities to the greater Deming area. Furthermore, the Nooksack Tribe has been an excellent neighbor to the Mount Baker School District and I am certain that the continued development of the Tribal lands will give the Tribe and the District many opportunities to enhance our partnership.

Mount Baker School District is located in rural Whatcom County. Our district encompasses 504 square miles, our busses travel 500,000 mile each year, and yet there is not a single incorporated town within our boundaries. This rural characteristic of our area places an inordinate importance on the District and the Tribe for a sense of community for the people we serve. The Tribe's project will add a variety of activities and services that will be of great value to the children and adults of our District. The athletic fields will help relieve some of the pressure on our school's limited fields. The hotel and RV park will offer our visitors an option for accommodations without having to travel back into town. The museum and native crafts center will be of great use to our students who study the Pacific Northwest. The Natural Science Center will be of value to our students in their studies, and will be of additional value because of the partnership that the District has with the Tribe.

Mount Baker School District and the Nooksack Tribe have a wonderful relationship that keeps improving. Our high school Manufacturing Technology class is working with tribal artisans to bring native crafts to our students and to give native students an opportunity to increase their self-awareness. One of our science teacher is working with the Tribe in the development of the Natural Science Center to include connections to state curriculum and to address higher order thinking skills. Our athletic department is communicating with the Tribe about the potential for the District to use the softball and baseball fields. Our teachers and support staff works closely with the Tribal Education Center to best meet the needs of our Native American students. And our district's leadership team works with the Tribal Council to maintain an ongoing understanding of each other's work.

There is a sense of excitement in rural Whatcom County about the Tribe's vision of the future. Their economic development project brings great hope for a giant step forward for the unincorporated town of Deming. As superintendent of the Mount Baker School District I enthusiastically support the Nooksack Tribe's project and respectfully encourage the Bureau of Indian Affairs to support and facilitate the success of the Tribe's efforts. Please let me know if I can be of any additional assistance in supporting the Nooksack Tribe in the pursuit of their dreams.

Sincerely,

Richard Gantman
 Richard Gantman, Ed. D.
 Superintendent



Tel: 360.383.2001
 Fax: 360.383.2004
 PO Box 95 • 4956 Deming Rd
 Deming, WA 98244-0095
www.mtbaker.wednet.edu

Board of Directors

Ellen Davidson, President
 Jim Freeman
 Toshi Hart
 Russ Pfeiffer-Hoyt
 David Smith

District Administration

360.383.2000

Superintendent

Dr. Richard Gantman
 Assistant Superintendent

Tim Yeomans

Special Projects Director

Dr. Gary Wall

Special Programs Director

Patricia Bieber

360.383.2012

Curriculum Director

Trina Hall

360.383.2013

School Principals

Acme

360.383.2045

Ellyn Erickson

Harmony

360.383.2050

James Grey

Kendall

360.383.2055

Co-Principal

David Boeringa

Co-Principal

Dr. Heidi Welsert-Peatow

Mount Baker

Junior High School

360.383.2030

Charles Burleigh

Mount Baker High School

360.383.2015

Principal

Steve King

Assistant Principal

Laura Gerhardt

Transportation &

Facilities

Supervisor

Frank Cain

360.383.2060

Nooksack Tribal Council
 P.O. Box 157
 Deming, WA 98244

March 29, 2005

Dear Tribal Council;

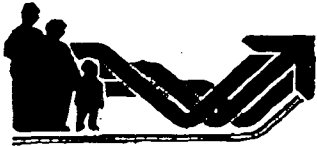
On behalf of the Mount Baker School Board and the entire Mount Baker Community I want to express our deepest appreciation for the recent donation that you made to the Mount Baker School District. In these times of budget challenges your donation will help us maintain our excellent co-curricular programs and continue our efforts to help all students achieve academic success.

Mount Baker School District places great value on the relationship that we have with the Nooksack Tribe. We are honored to be your neighbors and to share the common purpose of serving the community's children.

Thank you again and best wishes for continued success in all of your endeavors.

Sincerely,

Dr. Richard Gantman
 Superintendent



a human service agency

Opportunity Council

Kay Sardo
Executive Director

Extension 216

A Community Action Agency
serving Whatcom, Island and
San Juan Counties since 1965

April 24, 2006

Narz Cunanan
Nooksack Indian Tribe
5016 Deming Rd., PO Box 157
Deming, WA 98244

Narz
*Thank you so much for including
our work in your generous
community donation.*
Kay

Dear Narz:

Thank you for your generous donation of \$10,000.00 to the Opportunity Council on April 24, 2006. Your donation helps us to continue providing:

- ✓ emergency housing for families with children;
- ✓ hot, nutritious meals two days a week for the homeless, working poor, or mentally ill at **Maple Alley Inn**;
- ✓ child care and preschool programs for homeless and low-income children through our **Early Childhood Opportunities Northwest** and **Childcare & Family Resources** programs;
- ✓ help for homeless children to stay in school, including provision of the materials they need to succeed through our annual **School Supply Drive**;
- ✓ and many other vital community services.

The Opportunity Council's status as a non-profit corporation under I.R.S. section 501 (c) (3) may make your donation tax-deductible. We have not provided any goods or services in consideration of your contribution. Therefore, your entire contribution may be deductible as a charitable contribution for federal income tax purposes. Please consider this letter as your receipt for check #94610, dated April 18, 2006.

I appreciate your support for the Opportunity Council. Your contribution will make a substantial difference in the lives of people who are seeking to help themselves in Island, San Juan and Whatcom counties.

Sincerely,

Kay Sardo

KS/dl

CC: Sebnum Pura, Bill Coleman

Whatcom County
1111 Cornwell Ave., Suite C
Bellingham, WA 98225
(360) 734-5121
(800) 649-5121
Fax (360) 671-0541

Energy & Home Repair
1701 Ellis Street
Bellingham, WA. 98225
(360) 733-6559
Fax (360) 671-2753

ECONW
220 Unity St., Suite 102
Bellingham, WA. 98225
(360) 734-8396
Fax (360) 671-5096

Island County
1791 NE 1st Ave.
P.O. Box 922
Oak Harbor, WA 98277
(360) 679-6577
(800) 317-5427
Fax (360) 679-2440

San Juan County
(800) 649-5121



Friends of the Deming Library Expansion Campaign
POB 357 Deming WA 98244 360-592-2422

TO: *Nooksack Indian Tribe*

Date: *June 2, 2006*

RE: Donation to the Deming Library Expansion Campaign

Your donation amount: *\$10,000.00*

Friends of the Deming Library IRS I.D. number 91-1332148

Dear *Members of the Nooksack Indian Tribe,*

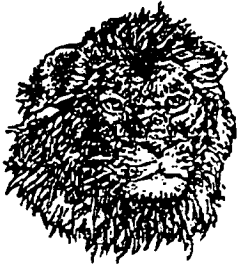
The Friends of the Deming Library thank you for your interest and support in our expansion project. In the past twenty years, the library has grown through the support of patrons, community groups, and businesses. Your generosity will help us improve library service for the generations to come.

Your donation is a qualified charitable contribution under IRS code section 501(c)(3). No goods or services were provided for the above referenced donation which makes your donation 100% tax deductible.

With appreciation and regards,

Sharon Digby

Sharon Digby
Friends of the Deming Library



Lynden School District No. 504
1203 Bradley Road • Lynden, Washington 98264
(360) 354-4443 • Fax (360) 354-7662

Dennis L. Carlson, Ed.D.
Superintendent

--- = Rick Thompson
Director of Curriculum & Student Learning

Doug Adelstein
Director of Human Resources & Grant Monies

Steve Dahl
Director of Special Programs

June 30, 2006

Mr. Narz Cunanan
Tribal Council Chairman
Nooksack Indian Tribe
P.O. Box 157
Deming, WA 98244

Dear Chairman Cunanan:

This letter is to express the appreciation of the Lynden School District Board of Directors in regard to the \$10,000 donation you made to the school district on behalf of the Nooksack Tribe. The Board understands that your donation was made with "no strings attached" and that the money can be spent for any purpose the Board approves.

At this time the Board has not identified any specific program or activity to support with your donation although a few possibilities have been suggested. The money will be included in our 2006-07 fiscal year budget for expenditure during that time period. It is my hope that we will be able to use the Nooksack Tribe's donation to impact the lives of many of our more needy students in a way that will contribute to their future success.

Thank you,

Dennis L. Carlson, Ed.D.

From:

12/08/2005 13:13 #002 P.002/004

Real Property
Management**United States Department of the Interior****Bureau of Indian Affairs**
Puget Sound Agency
2707 Colby Ave. - Suite 1101
Everett, Washington 98201-3665
(425) 258-2651

November 10, 2005

Honorable Narcisco Cunanan
Chairman
Nooksack Indian Tribe
P.O. Box 157
Deming, WA 98244

Attn: Patrick Check, Tribal Administrator

Dear Chairman Cunanan:

You recently requested written verification of property you identified as the "Northwood Parcel" currently held in trust for the Nooksack Tribe. We believe the parcel is further identified as Nooksack Public Domain Allotment No. T4239-B, Louis Sacquilty, allottee, which the Tribe purchased from Matilda Torn Carson by deed approved February 2, 1984 and recorded at the Portland Area Office, Titles and Records Section as document number 111 231. The purchased property contains a total of 20.00 acres, more or less. The legal description of T4239-B appears on the enclosed copy of the Deed To Restricted Indian Land.

This purchase was a trust to trust conveyance with trust ownership of the parcel transferring to the Tribe as of February 2, 1984.

In accordance with the stated Article I of the Nooksack Tribe Constitution and Bylaws, the Tribe would have jurisdiction over its own lands, including the "Northwood Parcel." If the Nooksack Tribe has developed and adopted land use and environmental processes, regulations, and/or ordinances, they should be applicable to the proposed development on this tract. The preparation and approval of any Tribal environmental and other related documents, would be solely within the jurisdiction of the Tribe.

Sincerely,

Judith R. Joseph
Superintendent

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 21 2005



org. Mar 2
cc: PAT
~~XXXXXXXXXXXX~~
Mike Leffert
Edward

Honorable Narcisco Cunanan
Chairman, Nooksack Indian Tribe
P.O. Box 157
5016 Deming Road
Deming, Washington 98244-0157

Dear Chairman Cunanan:

On October 11, 2005, we received the Fourth Amendment to the Tribal-State Compact for Class III Gaming between the Nooksack Indian Tribe and the State of Washington, executed on September 14, 2005 (Amendment). We have completed our review of this Amendment and conclude that it does not violate the Indian Gaming Regulatory Act of 1988 (IGRA), any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or the trust obligations of the United States to Indians. Therefore, pursuant to my delegated authority and Section 11 of IGRA, we approve the Amendment. This Amendment shall take effect when the notice of our approval, pursuant to Section 11(d)(3)(B) of IGRA, 25 U.S.C. §2710 (d)(3)(B), is published in the Federal Register.

We wish the Tribe and the State continued success in their economic venture.

Sincerely,

ACTING Principal Deputy Assistant Secretary- Indian Affairs

Identical Letter Addressed to: Honorable Christine Gregoire
Governor, State of Washington

Nooksack Indian Tribe Memorandum

DATE: December 12, 2005
TO: Nooksack Tribal Council
FROM: Edward J. Wurtz, General Counsel
RE: Telephone conference with Penny Coleman,
General Council, NIGC

Patrick Check and I had a telephone conference today with Penny Coleman, General Council for the National Indian Gaming Commission. We discussed the Northwood project. It was explained to her that we were planning a Class II facility on trust land obtained prior to 1988, with the land under the jurisdiction of the Nooksack Indian Tribe, and there would be no management contract for the facility. We informed her of the letter from the Bureau of Indian Affairs, dated November 10, 2005, confirming that the land was taken into trust as of February 2, 1984 and that the land is within the jurisdiction of the Nooksack Indian Tribe. She stated that the NIGC would have no issues with the facility, except for internal control measures. She requested that we send a letter to the NIGC, along with a copy of the letter from the BIA, informing them of the project. She indicated that the letter would be kept on file for information purposes.

Nooksack Indian Tribe Memorandum

DATE: December 16, 2005

TO: Nooksack Business Corporation and the Nooksack Tribal Council

FROM: Edward J. Wurtz, General Counsel

RE: Class II Casino at North Woods

Acting as counsel to the Nooksack Business Corporation (NBC) and the Nooksack Indian Tribe (NIT) in connection with the development of a Class II gaming facility at Northwood, I have examined the following:

1. The Constitution and Bylaws of the Tribe (the "Constitution and Bylaws").
2. The Nooksack Tribal Code of Laws.
3. The Gaming Regulations of the Nooksack Gaming Commission.
4. The Charter of Incorporation of the Nooksack Business Corporation (the "Charter of Incorporation").
5. The Gaming Compact between the Nooksack Indian Tribe and the State of Washington.
6. Federal regulations dealing with tribal gaming, including the Indian Gaming Regulatory Act (IGRA), the *Johnson Act*, and Federal case law.
7. Deed to Northwood property, dated June 16, 1975, Bureau of Indian Affairs.
8. A letter from the Bureau of Indian Affairs, dated November 10, 2005, confirming:
 - a. The land was taken into trust as of February 2, 1984.
 - b. The land is within the jurisdiction of the Nooksack Indian Tribe.

I have also reviewed such questions of law, including without limitation the relevant ordinances and resolutions of the Tribal Council ("Tribal Law"), as I have considered necessary and appropriate for the purposes of my opinions set forth below.

In rendering my opinions set forth below, I have assumed the authenticity of all documents submitted to me as originals, the genuineness of all signatures (other than the signatures of the officers of the Nooksack Business Corporation and the Tribe) and the conformity to authentic originals of all documents submitted to me as copies. I have also

assumed the legal capacity for all purposes relevant hereto of all natural persons and, with respect to all parties to agreements or instruments relevant hereto other than the Nooksack Business Corporation and the Tribe, that such parties had the requisite power and authority (corporate or otherwise) to execute, deliver and perform such agreements or instruments, that such agreements or instruments have been duly authorized by all requisite action (corporate or otherwise), executed and delivered by such parties and that such agreements or instruments are the valid, binding and enforceable obligations of such parties.

Based on the foregoing, I am of the opinion that:

1. The Nooksack Business Corporation is a tribally chartered corporation organized under the Charter of Incorporation, wholly-owned by the Tribe.
2. The Nooksack Indian Tribe is a federally recognized Indian tribe, organized under a Constitution and Bylaws adopted under 25 U.S.C. § 476 and approved by the Secretary of the Interior on September 23, 1973.
3. The governing body of the NBC is its Corporate Board. The Corporate Board, with the prior approval of the Tribal Council, has full power and authority to bind the NBC to financing documents to which it is a party without further action of the membership of the Tribe.
4. The governing body of the NIT is the Tribal Council. The Tribal Council has full power and authority to bind the NIT to financing documents to which it is a party without further action of the membership of the NIT.
5. The NBC, acting through the Corporate Board and the Tribal Council, has full power and authority to enter into financing documents to which it is a party, to perform its obligations thereunder and to give a lien on the collateral described therein.
6. The NIT, acting through the Tribal Council, has full power and authority to enter into financing documents to which it is a party, to perform its obligations thereunder and to give a lien on the collateral described therein.
7. The execution, delivery and performance by the NBC and the NIT of financing documents to which they are parties will not violate or conflict with the Constitution and Bylaws, the Charter of Incorporation or the Tribal Law, any agreement or contract to which the NBC or the NIT is a party or by which their respective properties are bound, or any law, ordinance, order, writ, injunction or decree of any court, administrative agency or governmental authority by which the NBC, the NIT or their respective properties are bound.
8. There are no legal or governmental proceedings, pending or threatened, against the NBC or the NIT wherein an unfavorable decision, ruling or finding would have a material adverse effect on the validity or security of financing documents, the transactions contemplated thereby, or the right and power of the NBC to operate a gaming enterprise or the right and power of the NIT and the NBC to enter into

financing documents to which they are parties and to perform their obligations thereunder or the transactions contemplated therein.

9. There are no requirements under Federal law for compact negotiations with the State of Washington for Class II gaming. Under IGRA, a state has no authority to regulate Class II Indian gaming.
10. The proposed gaming facilities are to be wholly owned by the NIT, operated by the NBC on behalf of the NIT, and are to be located on lands held by the United States of America in trust for the NIT, which have been held in trust since prior to October 17, 1988, over which the NIT exercises governmental power within the meaning of IGRA, and which constitute "Indian lands" within the meaning of 25 U.S.C. 2703(4). The proposed gaming facilities have access over a public road and there are not now and have not been any adverse issues concerning easements for or access to the proposed gaming facilities.
11. Any security agreements and account control agreements create valid and enforceable security interests in favor of the secured parties identified therein in the collateral described therein to secure the obligations of the NBC according to the terms thereof. The collateral is free and clear of all other security interests, liens or encumbrances.
12. No consent, approval, authorization or order of, and notice to or filing with, any governmental agency or body or any court, including specifically the Secretary of the Interior of the United States, is required to be obtained or made by the NBC or the NIT under any applicable law in connection with the execution, delivery and performance of financing documents or as a condition of their validity or enforceability.
13. Any provisions of financing documents relating to the arbitration of disputes are valid and enforceable against the NBC and the NIT and do not conflict with the Constitution and Bylaws, the Charter of Incorporation or any applicable law. The limited waivers of sovereign immunity given by the NBC and the NIT in financing documents constitute valid and enforceable waivers of the sovereign immunity of the NBC and the NIT and to the submission to the jurisdiction of the courts specified in financing documents, to the extent and subject to the conditions specified in financing documents. Such limited waivers of sovereign immunity are irrevocable.
14. The Bank is not required to obtain any license or suitability determination in connection with the transactions contemplated by financing documents.
15. Financing documents do not constitute a "management contract" within the meaning of 25 U.S.C. § 2711. No management contract will be sought for the new gaming facility.